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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,388	08/05/2003	Jeroen Siebrand Wellen	Wellen 5	6522

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EXAMINER

SEDIGHIAN, REZA

ART UNIT PAPER NUMBER

2613

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,388

Applicant(s)

WELLEN, JEROEN SIEBRAND

Examiner

M. R. Sedighian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-13 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 5-9 and 14-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. This communication is responsive to applicant's 9/19/06 amendment and remarks. The amendment has been entered. Claims 1-22 are now pending.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 10-13, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US Patent No: 5,903,370).

Regarding claims 1, 10, and 19, Johnson teaches an optical access network (50, fig. 5B) including a plurality of optical network units (nodes A, B, C, D, fig. 5B) connected to an optical line terminal (col. 6, lines 34-43 and 45, figs. 5B) in a ring topology (47, 48, fig. 5B) in which the optical network units are connected together in series (network units A, B, C, D are connected to each other through fiber rings 47 and 48 in series), the optical line terminal (45, figs. 5B) being connected to the first optical network unit (A, fig. 5B) in the series and to the last optical network unit (D, fig. 5B) in the series, and wherein the connections are via a protection switch (51, figs. 5B, 6), the protection switch comprising: means for monitoring (RX, fig. 6) the connections from the optical network units to detect a loss of signal from an optical network unit (col. 4, lines 4-10), and a plurality of switching elements (65, 66, 67, 68, fig. 6), one for each optical network unit (col. 7, lines 62-67) responsive to detection of loss of signal from the respective optical network unit to switch the respective optical network unit out of the series

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such that the continuity of the ring topology is maintained (col. 7, lines 8-18, col. 8, lines 59-67, col. 9, lines 1-5).

Regarding claims 2 and 11, Johnson further teaches the switching elements are cross-bar switches (optical switches 65-68 are cross bar switches).

Regarding claims 3 and 12, Johnson further teaches a plurality of photodetectors (RXs, fig. 6) are arranged to detect signals on the connection from a respective optical network unit (col. 4, lines 4-6).

Regarding claims 4 and 13, Johnson further teaches each photodetector is arranged to control its respective switching element directly (col. 4, lines 4-8, col. 7, lines 46-52 and RX, 65, fig. 6).

Regarding claim 20, Johnson teaches when an optical network unit is switched out, connecting together the connections to and from the optical network unit (col. 7, lines 8-18).

Regarding claim 21, Johnson teaches monitoring optical signals in the ring to detect loss of signal in the ring (col. 7, lines 46-51); and toggling switches in the protection switch in the event of a loss of signal in the ring to identify a faulty connection (col. 8, lines 59-67, col. 9, lines 1-12).

Regarding claim 22, Johnson teaches monitoring optical signals in the ring to detect malicious or unauthorized usage of an optical network unit (col. 7, lines 46-52); and responsive to the detection of malicious or unauthorized usage, switching the optical network unit subject to such usage out of the network (col. 7, lines 8-18).

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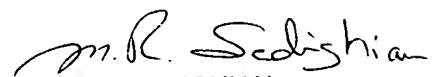
4. Claims 5-9 and 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Applicant's arguments with respect to claims 1, 10, and 19 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. R. Sedighian whose telephone number is (571) 272-3034. The examiner can normally be reached on M-F (from 9 AM to 5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


M. R. SEDIGHIAN
PRIMARY EXAMINER